

Exhibit 54

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF ALAN SHERMAN IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Dr. Alan T. Sherman, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. I am Alan T. Sherman. I am currently a tenured Professor of Computer Science at the University of Maryland, Baltimore County (UMBC), as well as the associate director of the UMBC Cybersecurity Center. My research focuses on high-integrity voting systems, cryptology, information assurance, discrete algorithms, protocol analysis, cybersecurity, and cybersecurity education. In addition, I am serving as an expert witness for Plaintiffs in the above captioned matter.

2. I am over 18 years of age and fully competent to make this Declaration. To the best of my knowledge, information, and belief, the statements made herein are true and accurate.

3. In forming my opinions in this case, I reviewed, *inter alia*, (1) documentation, both publicly available documentation and documentation produced in this litigation, related to Los Angeles County's voting initiative, with a focus on documentation related to the Smartmatic software and technology used in the 2020 presidential election, including but not limited to detailed descriptions of the machines and third-party security reviews of them; (2) academic research papers regarding voting machine systems, election technology, software independence, risk-limiting audits, and traditional audits; (3) government agency, independent third-party, and academic research reports regarding the monitoring and integrity of the 2020 presidential election. I also inspected a model Smartmatic ballot marking device that, although not used in the 2020 presidential election, is substantially similar to those used in the 2020 presidential election in Los Angeles County.

4. Smartmatic's Ballot Marking Devices (BMDs) used in Los Angeles County in the 2020 presidential election were touchscreen machines that allowed each voter to select a candidate and generated a paper record of the vote (*i.e.*, a paper ballot). After the BMD printed the paper ballot, the voter could inspect the paper ballot and decide whether to cast it or discard it. Once the ballot was printed, it could not be altered by any adversary attacking the election electronically. The paper ballots in Los Angeles County were then tabulated and counted, with the paper ballots remaining as physical artifacts to check the results.

5. When a voting system involves verifiable paper ballots that are audited, it is not possible for software alone to rig elections without a high risk of detection. If an

electronic voting machine were designed to rig elections, it would not incorporate verifiable paper ballots and an audit trail.

6. The technology Smartmatic provided to Los Angeles County for the 2020 election was subjected to testing by five different independent agencies, none of which identified any software designed to manipulate, rig, or fix an election. Smartmatic also freely shared its source code for its technology with LA County.

7. The scanners and tabulation software used to tally votes in Los Angeles County were developed by Digital Foundry, not Smartmatic.

8. LA County's Use Procedures for the 2020 election specified that the Smartmatic BMDs were to be "air-gapped" (physically isolated and disconnected) from all other systems during the voting period of the election. The BMDs had no wireless capability. There is one Ethernet port on the BMD for use in set-up. That port is protected by various physical security measures, including: (1) the integrated ballot box of each BMD physically obstructs access to the Ethernet port; (2) the Ethernet port is covered by tamper-evident tape; and (3) a tamper-evident ring is placed through the hasp that connects the integrated ballot box to the BMD case, which would need to be opened to access the Ethernet port. Furthermore, each BMD has sensors that detect if the ballot box is separated from the BMD case. If the sensors detect such physical tampering, the BMD locks down electronically and displays a warning message until an election official enters appropriate credentials and resets the machine. Finally, the BMD source code disables the functionality of the Ethernet interface during the election. Independent third-party reviews of the source

code found no serious vulnerabilities with this feature of the source code. There is no evidence that any of these security measures were breached during the 2020 election.

9. There is likewise no credible evidence that any foreign entities hacked into the Smartmatic BMDs in the 2020 presidential election. The absence of foreign manipulation is confirmed by the results of the post-tabulation audit conducted by Los Angeles County.

10. Results of the 2020 election in California were certified by the Secretary of State following post-tabulation audits required by state law, including an audit in Los Angeles County.

11. Los Angeles County conducted a 1% manual audit to verify the votes of the 2020 election. In this audit, election officials manually tally all the ballots in 1 percent of the precincts, selected at random by election officials. For each race that was not included in the initial group of precincts selected, the election officials selected one additional precinct to include all races in the manual tally. The post-election audit conducted by Los Angeles County validated the reported results.

12. Following the 2020 election, 43 states, including the states of Arizona, California, Georgia, Michigan, Nevada, North Carolina, Pennsylvania, and Wisconsin, completed post-tabulation audits. None of the audits conducted after the 2020 election identified any vote manipulation, vote switching, or vote flipping attributable to any voting machines, including Smartmatic machines and software. Every state certified the final vote count prior to President Biden's inauguration.

13. In addition to the post-tabulation audits, various federal government agencies confirmed the integrity of the 2020 presidential election in the weeks and months following the vote. This includes, but is not limited to an unclassified report published by the National Intelligence Council on March 10, 2021, which found “no indications that any foreign actor attempted to alter any technical aspect of the voting process in the November 2020 U.S. Elections, including voter registration, casting ballots, vote tabulation, or reporting results.”

14. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:
November 11, 2024

Alan T. Sherman

Dr. Alan T. Sherman